

RESPONSE

In Claim 1, "user" has been corrected to read "a user" as suggested by the Examiner.

The Examiner's forbearance as to the requirement for formal drawings is respectfully requested. Such drawings will be submitted once the case has been found to be in condition for allowance.

The Examiner has rejected Claims 1 and 2 under 35USC § 103 based upon a combination of references; namely, Kowalski No. 4,010,914, and Cawte No. 5,020,435. Applicant respectfully traverses the Examiner's rationale as stated in Paragraph 4 of the outstanding Office Action for the following reasons.

While Kowalski does show primer cord stored on a reel similar to that claimed, Applicant respectfully notes that the secondary reference, Cawte, teaches away from the claimed invention for the reason that the fuse material in Cawte is intended for use in blast holes, and the markings provide the user with a convenient measure of the depth of a blast hole, rather than serving to indicate the quantity of fuse material remaining on a reel or drum.

The patent to Cawte teaches, at Column 2, lines 52 – 56 that the user, when inserting the fuse into a blast hole, can check the blast hole for correct depth so that in the event the depth differs from a predetermined or design depth, the user can adjust the charge accordingly, or perhaps redrill the hole, or drill another hole.

Thus, in Cawte, we are told that the indicia or markings on the detonating cord or a fuse are repetitive (1 to 30 meters), and merely used to indicate the depth of the blast hole rather than to indicate the length of detonating cord on the reel as disclosed and claimed in the subject application.

The Examiner has overstated the case for obviousness in Paragraph 4 (top of Page 3 of the Office Action) wherein it is stated, "the numerical markings in Cawte provide an accurate visual indication of the number of cord increments remaining on the drum." In point of fact, Column 2, lines 5 – 15 of Cawte, fails to suggest any drum or reel, and the markings are instead intended for use in readily assessing incremental lengths of primer cord only at a point of use, not as an inventory control measure. There is no suggestion in Cawte of marking primer cord stored on a reel that may have left a large quantity of primer cord material. The claim limitation, that the markings be indicative of the primer cord remaining on a reel is a critical one.

Favorable reconsideration of this application in light of these remarks is respectfully requested. Since the problem solved by the claimed invention differs substantially from any suggestion of a similar problem in one or the other of the two references relied upon, the outstanding rejection can only be regarded as an attempt by the Examiner to use the subject application as a template from which to recreate the claimed invention.

In the absence of any suggestion in Cawte of marking the primer cord to indicate the length remaining on a reel or drum, the claimed invention cannot be considered obvious. Applicant's invention does not involve the mere marking of a primer cord, but rather marking with continuously decreasing numerical indicia, indicative of the length of primer cord remaining on a reel or drum. Applicant's invention relates to providing an accurate inventory of explosive primer cord stored on a reel or drum, which may contain up to 2000 feet of primer cord. While initially the length on the reel may be known (as a result of the length provided on the reel itself), once the reel has been used there is no reliable way to ascertain the length of primer cord remaining on that reel so that a user in the field can know he has a certain number of feet or meters remaining on that reel. Such information is

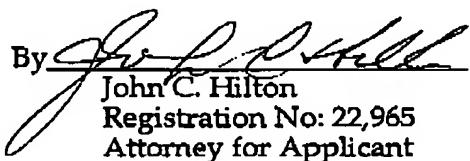
especially useful in the field. After assessing the distance required between the detonator and the charge, in a combat situation, such information can be critical, because if not enough detonating cord remains, the success of the mission may be in serious jeopardy.

In conclusion, the Cawte patent reference merely shows the concept of marking relatively short, predetermined lengths of primer cord for the convenience of a user in a mining or blasting operation. The present invention, on the other hand, provides a convenient measure of the primer cord left on a particular reel, for the convenience of the individual handling the reel in the field, and for the keeper of many such reels in a magazine or supply station where unused or partly used reels might be returned at the end of a mission for example.

There is no suggestion in the prior art generally or the cited references in particular of the problem to which the present invention provides a solution. Therefore, there can be no suggestion of the solution to that problem, which is defined by the claims as presented.

Applicant does not believe any fee is due herewith. In the event a fee is due with the filing of this response, the Commissioner is authorized to charge such fee to Deposit Account No. 13-0235.

Respectfully submitted,

By 
John C. Hilton
Registration No: 22,965
Attorney for Applicant

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290